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# Message Text

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INFO OCT-01 IO-10 ISO-00 PA-01 PRS-01 USIA-06 CIAE-00

COME-00 EB-07 INR-07 LAB-04 NSAE-00 RSC-01 SIL-01

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R 031929Z FEB 75
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 7885
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION EC BRUSSELS
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USMISSION GENEVA
USMISSION OECD PARIS
AMCONSUL BELFAST
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E.O. 11652: N/A
TAGS: ELAB, UK, PINT
SUBJECT: FREEDOM OF THE PRESS AND TRADE UNION RIGHTS

REF: LONDON A-648

BEGIN SUMMARY - FOR A NUMBER OF MONTHS, THERE HAS BEEN
A RUNNING DEBATE BETWEEN NEWSPAPER PUBLISHERS AND EDITORS
TRADE UNIONISTS, GOVERNMENT LEADERS AND OTHERS ON THE
ISSUE OF LEGISLATIVE ENCROACHMENT ON THE FREEDOM OF THE
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PRESS IN THE FORM OF PROPOSALS BEFORE THE PARLIAMENT

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WHICH WOULD EFFECTIVELY EXTEND THE CLOSED SHOP TO EDITORS. PUBLISHERS AND OTHER OPPONENTS OF THE LEGISLATION CHARGE THAT IF EDITORS ARE FORCED TO JOIN THE RECOGNIZED UNION, THIS WOULD SERIOUSLY ENCROACH UPON THE EDITORIAL FUNCTION -- A CHARGE WHICH IS STRONGLY DENIED BY THE LAW'S SUPPORTERS. THIS MESSAGE EXAMINES SOME OF THE FACTORS. END SUMMARY

1. THE FUROR OVER THE ISSUE BEGAN WHEN THE GOVERNMENT INTRODUCED A 'SHORT BILL" REPALING CERTAIN AMENDMENTS TO ITS TRADES UNION AND LABOR RELATIONS ACT OF 1974 WHIC THE CONSERVATIVES HAD FORCED IT TO ACCEPT LAST SUMMER (REFAIR). OPPONENTS OF THE .'SHORT BILL'. CHARGE THAT REPEAL OF LAST SUMMER'S AMENDMENTS WOULD, IN EFFECT, EXTEND THE CLOSED SHOP TO NEWSPAPER EDITORS. THE .'SHORT BILL'.WOULD IN FACT REPEAL AMENDMENTS WHICH PROTECTED WORKERS WHO WERE EXCLUDED OR EXPELLED FROM A UNION (ALTHOUGH THE TUC HAS AGREED TO ESTABLISH APPEALS MACHINERY FOR WORKERS THUS AFFECTED); WHICH GAVE WORKERS THE RIGHT TO REFUSE MEMBERHSIP OF TRADE UNIONS ON "ANY REASONABLE GROUNDS;'. AND WHICH ALLOWED WORKERS TO BELONG TO ANOTHER APPROPRIATE UNION" INSTEAD OF THE MAJOR CLOSE SHOP UNION.

2. IT SHOULD BE EMPHASIZED THAT WHILE THE PRACTICAL EFFECT OF THE "SHORT BILL" IS TO EXTEND THE CLOSED SHOP TO EDITORS, IT IS NOT COMPULSORY. IT IS SUBJECT TO NEGOTIATIONS WITH EMPLOYERS AND EVEN WHERE IT IS AGREED IN GENERAL TERMS, CERTAIN GROUPS OF WORKERS COULD BE EXCLUDED BY SPECIFIC AGREEMENT, OR ALLOWED TO JOIN CERTAIN OTHER SPECIFIED UNIONS. SECRETARY OF STATE FOR EMPLOYMENT MICHAEL FOOT STATES THAT THE GOVERNMENT IS SIMPLY TRYING TO RESTORE THE SYSTEM WHICH EXISTED BEFORE THE CONSERVATIVE GOVERNMENT OUTLAWED CLOSED SHOPS IN THE 1971 INDUSTRIAL RELATIONS ACT. HE SAYS THAT THE GOVERNMENT IS THEREFORE "NEUTRAL" IN THIS REGARD, AND WHILE IT IS PREPARED TO PROVIDE SAFEGUARDS, IT WILL DO NOTHING WHICH DESTROYS THE PRINCIPLE OF THE CLOSED SHOP. IN FOOT'S VIEW, THE PRINCIPLE WOULD IN FACT BE DESTROYED IF THE MEDIA EXECUTIVES WERE EXEMPT FROM THE PROVISIONS OF LIMITED OFFICIAL USE

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THE LAW, SINCE THIS WOULD MEAN THAT OTHER GROUPS WOULD QUITE NATURALLY CALL FOR SIMILAR EXEMPTIONS. MR. FOOT ALSO SUGGESTS THAT IF THE EDITORS AND THE JOURNALISTS' UNIONS, THE NATIONAL UNION OF JOURNALISTS (NUJ) CAN NEGOTIATE A SPECIAL CLOSED SHOP CLAUSE AFFECTING THEIR SITUATION, HE WOULD CONSIDER IT FOR INCLUSION IN THE AMENDMENT BILL. IN FACT, ONE OF THE GOVERNMENT MINISTER ALBERT BOOTH, HAS PROPOSED AN AMENDMENT TO THE "SHORT

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BILL" WHICH WOULD MODIFY THE CLOSED SHOP REQUIREMENT TO SOME EXTENT -- BY ALLOWING A COMPANY TO EMPLOY A WORKER WHO WAS NOT A MEMBER OF A CLOSED SHOP UNION, WITH THE CONSENT OF THE UNIONS INVOLVED, BUT WITHOUT NEGATING THE ENTIRE CLOSED SHOP AGREEMENT. THE .BOOTH AMENDMENT'. WOULD ALSO ALLOW EXEMPTIONS FOR GROUPS OF WORKERS IF THEY ALL HAD SOME CHARACTERISTIC IN COMMON -- THIS COULD BE CONSTRUED THAT EDITORS COULD BELONG TO ANCTHER ORGANIZATION, THE INSTITUTE OF JOURNALISTS, OTHER THAN THE BASIC UNION -- THE NUJ.

3. BUT THE NEWSPAPER EDITORS AND PUBLISHERS, AND OTHER

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OPPONENTS OF THE "SHORT BILL" INCLUDING MOST CONSERVA-
TIVES AND LIBERALS REMAIN DEAD SET AGAINST THE GOVERNMEN
PROPOSALS AND CONSIDER THE COMPROMISE PROPOSALS SUCH AS
THE "BOOTH AMENDMENT" AS TOTALLY INSUFFICIENT TO ALLAY
THEIR FEARS. AS THINGS NOW STAND, THE PROPOSALS WILL,
IN THEIR VIEW, SERIOUSLY INTERFERE WITH FREEDOM OF THE
PRESS. THEY POINT OUT THAT THE NATIONAL UNION OF JOUR-
NALISTS HAS IN RECENT TIMES BECOME INCREASINGLY UNDER
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LEFT-WING (TROTSKYITE) INFLUENCE AND THAT IF EDITORS
WERE FORCED TO JOIN THE NUJ THEY WOULD BE UNDER THE
INFLUENCE OF THE UNION NOT ONLY IN THEIR OBLIGATION TO
STRIKE BUT ALSO -- IN MORE SUBTLE AND DANGEROUS WAYS --
IN TERMS OF THE EDITORIAL CONTENT OF THE NEWSPAPERS.
THEY ALSO CALL ATTENTION TO THE FACT THAT THE NUJ HAS
HITHERTO ALLOWED EDITORS TO ASSUME THE STATUS OF ASSOCIA-
TE MEMBERSHIP BUT HAVE SINCE ABOLISHED THIS CATEGORY,
AND THEY NOW MUST ASSUME FULL MEMBERSHIP. FURTHERMORE,
THE BILL'S OPPONENTS CITE A RECENT INDUSTRIAL DISPUTE
WHEN THE NUJ "BLACKED" MATERIAL WRITTEN BY NON-MEMBERS --
AS A RESULT OF WHICH SOME NEWSPAPERS APPEARED WITH A
NUMBER OF BLANK AREAS REMINISCENT OF WAR-TIME CENSORSHIP.
IT IS INTERESTING TO NOTE THAT SOME OF THE OBJECTIONS OF
THE '.SHORT BILL'S'OPPONENTS WERE ELABORATED IN AN
ARTICLE BY NONE OTHER THAN MICHAEL FOOT'S BROTHER, SIR
DINGLE FOOT, A FORMER LABOR MINISTER, WHO ARGUES THAT
THE MEDIA SHOULD BE MADE EXCEPTIONAL. NEWSPAPERS, HE
SAYS, ARE "ESSENTIALLY NOT INDUSTRIAL CONCERNS" AND "THE
EDITOR'S FUNCTION IS QUITE DIFFERENT FROM THAT OF A
FACTORY MANAGER. HE MUST RESIST ANY FORM OF CENSORSHIP,
WHETHER BY A GOVERNMENT DEPARTMENT OR A TRADE UNION."

4. THE UNION'S REPLY IS ALSO CLEAR. AS RON KNOWLES,
EDITOR OF THE "NUJ JOURNALIST'SAYS: '.THE NUJ HAS NO
EDITORIAL POLICY; ITS MEMBERS REPRESENT EVERY SHADE OF
THE POLITICAL SPECTRUM; THE UNION'S CODE OF CONDUCT,
BACKED BY THE DISCIPLINARY PROCEDURES OF THE RULES,
PLACES PARTICULAR STRESS ON THE DUTY OF MEMBERS TO DEFEND
PRESS FREEDOM TO WRITE HONESTLY, FAIRLY AND ACCURATELY,
TO REFUSE TO BOW UNDER PRESSURE TO DISTORT OR CENSOR
THEIR WORK." HE ARGUES THAT THERE IS NOTHING TO PREVENT
EDITORS FROM DOING "NORMAL" WORK DURING A DISPUTE, BUT
WHAT THE NUJ OPPOSES IS TO ALLOW EDITORS "TO UNDERMINE

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THE UNION'S POSITION BY EXCEEDING THIS NORMAL WORK" DURING DISPUTES. HE ALSO CLAIMS THAT THE ABOLITION OF ASSOCIATE MEMBERSHIP GIVES EDITORS MORE RIGHTS IN THE UNION AND THAT THERE IS NO DISTINCTION BETWEEN ASSOCIATE AND FULL MEMBERSHIP IN TERMS OF UNION DISCIPLINE. KNOWLES ALSO DENIES THAT PUBLIC FIGURES, WHO ARE NON-MEMBERS, WOULD BE PREVENTED FROM CONTRIBUTING TO NEWS-
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PAPERS, BUT THAT THE NUJ SIMPLY REFUSES TO ALLOW NON-JOURNALISTS TO "TAKE OVER REGULAR COLUMNS WHICH SHOULD RIGHTFULLY BE FILLED BY TRAINED, EXPERIENCED JOURNALISTS. (OTHER DEFENDERS OF THE BILL POINT TO WHAT IS IN THEIR VIEW FAR MORE SERIOUS THREATS TO FREEDOM OF THE PRESS WHICH RESULT FROM CENSORSHIP BY NEWSPAPER PROPRIETORS THEMSELVES.)

5. SO THE BATTLE CONTINUES TO RAGE. LORD GREENE, THE MODERATE TUC LEADER WHO IS ALSO A MEMBER OF THE '.TIMES' BOARD OF DIRECTORS, SAYS THAT HE DOES NOT BELIEVE THE ISSUE IS A "FREEDOM OF THE PRESS'.ISSUE. HE FURTHERMORE BELIEVES WITH FOOT, THAT EXCEPTIONS TO THE CLOSED SHOP FOR EDITORS WOULD UNDERMINE THIS RIGHT FOR OTHER UNIONS. IN LORD GREENE'S VIEW, HOWEVER, THERE IS A REAL DANGER OF THE VERY EXISTENCE OF NEWSPAPERS IN THE ADAMANT REFUSAL OF NEWSPAPER UNIONS -- ESPECIALLY IN LONDON -- TO ACCEPT TECHNOLOGICAL CHANGE, AND AS A RESULT MORE AND MORE NEWSPAPERS ARE THREATENED WITH EXTINCTION. (A FUTURE MESSAGE WILL DISCUSS THESE AND OTHER PROBLEMS IN THE NEWSPAPER INDUSTRY.)

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